

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRIS LUSBY TAYLOR, et al.,

Plaintiffs,

v.

NO. CIV. S-01-2407 JAM GGH

JOHN CHIANG, et al.,

Defendants.

ORDER

The undersigned is aware of the recent order of recusal and the parties' filings regarding recusal. The newly assigned judge, the Honorable John Mendez, has determined to keep the referral to the undersigned in effect.

The Ninth Circuit decision pertinent to the interim attorneys' fees matter was issued on May 12, 2008. Immediately thereafter, the Honorable William B. Shubb commenced proceedings regarding the issue of attorneys' fees, and decided to refer it to the undersigned on June 16, 2008. On June 27, 2008, the undersigned asked for status reports which were filed on July 8 and 11, 2008. On July 22, 2008, a scheduling order was issued which in part required further initial filings by plaintiff, and set forth a discovery schedule, if defendants opted for some discovery. On August 12, 2008, the district court received the mandate of the Ninth Circuit to commence what had already been commenced in respect to deciding interim attorneys' fees.

1 Defendant opted to perform discovery. The final motion concerning that
2 discovery was held on November 12, 2008, and resolved that day as well (written memorandum
3 issued November 19, 2008). The parties were tasked with filing final papers on the merits in
4 December of 2008; because of perceived additions of new material in plaintiffs' papers, the last
5 filing on the merits did not occur until January 5, 2009.

6 The undersigned (including staff) has been able to devote only limited time to the
7 motion this month because it was his criminal duty month in addition to his regularly assigned
8 caseload. The undersigned has every reason to believe that an interim attorneys' fees decision
9 (Findings and Recommendations) will issue in February 2009.

10 Unless and until further ordered by the court, the parties shall file no further
11 papers in the district court regarding the interim fees matter until the Findings and
12 Recommendations issue.

13 IT IS SO ORDERED.

14 DATED: January 27, 2009

/s/ Gregory G. Hollows

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GREGORY G. HOLLOWS
U.S. MAGISTRATE JUDGE

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